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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,544	03/23/2004	Alain Yang	D0932-00403	2495
8933	7590	06/04/2007		
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			EXAMINER DAVIS, JENNA L	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/806,544	Applicant(s) YANG ET AL.	
	Examiner Jenna Davis	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5, 9-16, 19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 9-16, 19, and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 9-16, 19, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/31131 to Zeng in view of Adiletta (US 4671979).

Zeng et al. teach an acoustical insulation product which is inherently sorbent comprising primary glass fibers and multi-component polymer fibers. The multi-component fibers are made of a principal polymer component and a binder polymer component (abstract). A portion of the binder polymer component has been heated to bind the bicomponent fibers and the primary fibers to themselves and each other (pg.4 par.3). The bicomponent polymer fibers are shown as having been formed as sheath-core fibers (pg.5 par.3). Preferred fibers for use as the primary fibers are wool glass fibers. It is to be understood that the primary fibers can specifically be any mineral fibers such as fibers made of rock, slag and basalt. If glass fibers are used they are formed by the rotary process. The glass fibers typically have a diameter in the range of from about 3 to 30 microns. The bicomponent fibers are present in amounts of from about 20 to 60% by weight (pg.6 par. 1). The core and sheath of the bicomponent fibers are both thermoplastic polymers (pg.7 par.2). The sheath would necessarily have a melting point lower than the melting point of the core material. A facing material can be placed on the insulation material. It can be any suitable material such as a film, a foil or an open web such as a scrim (pg.5 par.3). Zeng expressly suggests the use of scrap wool glass fibers which at least renders obvious the use of

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scrap glass fibers that had been treated with a formaldehyde-containing binder on manufacture as well as the use of glass fiber blown insulation that has not been treated with a binder.

While Zeng et al. teach an insulation product with a thickness of about 2.54 centimeters (pg. 11 par. 1). Adiletta is drawn to an insulating structure for thermal/acoustical insulation. Adiletta teaches organic and inorganic fibers such as glass fibers. The density of the structure is relatively high from about 3.0 to about 8.0 pounds per cubic feet (equivalent to about 48 to 96 kilograms per cubic meters) (col.4 lines 6-10). The overall thickness of the insulating material will be about from 0.25 to about 2 inches (which is about 6.35 to 50 mm) (col.5 lines 58-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired thickness and density through the process of routine experimentation in order to arrive at values which offered the optimum strength and reinforcement in the invention of Zeng et al. as taught by Adiletta.

Further, Zeng et al. are silent about the basis weight of the insulating product. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired weight through the process of routine experimentation in order to arrive at values which offered the optimum insulation in the invention of Zeng et al.

Finally, Zeng et al. are silent about the length of the glass and bicomponent fibers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired fiber lengths through the process of routine experimentation in order to arrive at values which offered the optimum reinforcement in the invention of Zeng et al.

Response to Arguments

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Applicant's arguments filed 2/23/2007 have been fully considered but they are not persuasive.

The argument that it would have been unobvious to have provided scrap bindered inorganic fibers to the Zeng material as modified by Adiletta is not found persuasive as Zeng expressly suggests on page 8 to use such materials and the advantages associated therewith.

The Examiner maintains that the express suggestion by Zeng to use such materials would render the use of materials of the type claimed here obvious to a person having ordinary skill in the art at the time the present invention was made. It is not seen that any unexpected result is achieved in the present invention as argued.

It is not seen that the Yang declaration illustrates that any unexpected result is obtained in the present product as the claims set forth here would have been obvious to a person having ordinary skill in the art by following the teachings of Zeng and Adiletta.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

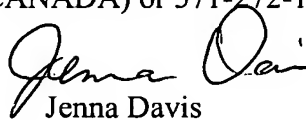
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna Davis whose telephone number is 571-272-3357. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jenna Davis
Primary Examiner
Art Unit 1771

jld